

EXHIBIT

3.1

RECEIVED
CITY OF BEAVERTON
CASE # CU2017-0013

JAN 19 2018

COMMUNITY DEVELOPMENT

Dear Sandra Freund,

I'm writing on behalf of the xxx Condo Association about the subject land use decision that was made by Beaverton Planning staff without due consideration of code requirements. First, let me be clear that we are not opposed to the proposed land use. We are opposed to the traffic pattern that has been allowed without evaluation of a Traffic Management Plan, as required by Section 60.55.15 of the Development Code. Unfortunately we were not properly notified of this land use case because the notification was sent to the developer of the site we reside in, even though the common property of our HOA changed ownership 15+ years ago. The on-site notification required of the developer was also too small to be noticed by residents driving or even walking by the site.

The proposed traffic pattern will remove the driveway on Beaverton Hillsdale Highway and force all 2,402 estimated daily trips to/from the site to two driveways (a limited access right-in/right-out driveway on 107th Ave, and a full access driveway on our residential street - SW Laurel Road). The traffic report indicated that the proposed use will generate 818 additional trips to/from the site than the current allowed use of a sit-down restaurant without drive-thru. To force all the existing assumed traffic generation in addition to the extra trips onto local streets will have a huge impact on our quality of life and safety for ourselves and our children. This is why we were shocked to learn about this proposal so late in the process and are concerned about due process for this quasi-judicial proceeding.

Specifically, Section 60.55.15 states:

60.55.15. Traffic Management Plan. [ORD 4302; June 2004] Where development will add 20 or more trips in any hour on a residential street, a Traffic Management Plan acceptable to the City Engineer shall be submitted in order to complete the application. A residential street is any portion of a street classified as a Local Street or Neighborhood Route and having abutting property zoned R2, R4, R5, R7, or R10. [ORD 4584; June 2012]

The staff report stated:

Traffic Management Plan (Section 60.55.15)

Where development will add 20 or more trips in any hour on a residential street, a Traffic Management Plan acceptable to the City Engineer shall be submitted in order to complete the application. A residential street is any portion of a street classified as a Local Street or Neighborhood Route and having abutting property zoned R2, R4, R5, R7, or R10.

The application does not include a Traffic Management Plan. The *site* does not abut a residential zone. SW Laurel Road on the north, separates Washington County's residential zone from the site.

Planning staff interpreted the code to mean that a Traffic Management Plan is only required when the *site* is abutting residential-zoned property, but the code clearly states that the threshold for a Traffic Management Plan is reached when *the street* for abuts residential-zoned property. As a result of the misinterpretation of this code section, we don't know the extent of impact the proposed traffic pattern will have on a local residential street that lacks complete sidewalks and abuts daycare, preschool, and an adult day care facility for people with disabilities. We believe

we are due a mediated process to attempt to resolve the situation due to Beaverton staff committing two errors: 1) failing to properly notify property owners; and 2) misinterpreting this important code section which should have worked to protect residents from such a major change in traffic patterns. Since the developer has yet to break ground, we respectfully request to meet with ODOT and Beaverton officials to see if there is a way for the proposed development to retain an access on Beaverton Hillsdale Highway (perhaps with a shared access with the abutting property), modify access on SW 107th Ave., or some other resolution.

Thank you for considering our request. We look forward to your response.

Respectfully,

Lisa Chow
Grand Fir Commons HOA

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